

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 0204-176  
TO THE BOARD OF CONTRACT APPEALS and  
TO THE CHAIR, BOARD OF CONTRACT APPEALS

1. DELEGATION. Pursuant to the authority vested in me as Acting Under Secretary for Nuclear Security and by section 3212 of the National Nuclear Security Administration Act (Title 32 of Pub. L. No. 106-65) there is hereby delegated to the Chair of the Energy Board of Contract Appeals (Board) the authority to:
  - a. Decide appeals in which, by the terms of a contract executed prior to March 1, 1979, the contractor is authorized to appeal decisions of a contracting officer to the head of the agency or the Board;
  - b. Sitting as the National Nuclear Security Administration (NNSA) Patent Compensation Board, conduct and decide any proceedings brought before it pursuant to applicable laws and regulations; declare patents affected with the public interest pursuant to Section 153a (42 U.S.C. 2183a); and make the final determination to issue patent licenses pursuant to Sections 153b or 153e of the Atomic Energy Act of 1954 (42 U.S.C. 2183b and 2183e);
  - c. Hear and decide appeals in proceedings for the suspension, termination and debarment of contractors or financial assistance recipients pursuant to applicable laws and regulations;
  - d. Hear and decide appeals involving liquidated damages pursuant to section 104(c) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332);
  - e. Sitting as the NNSA Invention Licensing Appeals Board, hear and decide appeals from decisions brought before it on the licensing of inventions pursuant to applicable laws and regulations;
  - f. Sitting as the NNSA Financial Assistance Appeals Board, hear and decide appeals involving financial assistance agreements including grant agreements, cooperative agreements, loan agreements and loan guarantees pursuant to applicable laws and regulations;
  - g. Conduct and decide any other quasi-judicial proceedings arising out of or related to NNSA contracts, as requested by the Under Secretary for Nuclear Security, and provide neutral services for any alternative dispute resolution proceedings related to NNSA contracts;
  - h. Exercise all power and authority necessary for the performance of the Board's duties, including but not limited to perform customary administrative duties in accordance with applicable statutes, regulations, directives and policies; establish

rules of practice and procedure subject to the approval of the Under Secretary for Nuclear Security; issue subpoenas under the authority of §161(c) of the Atomic Energy Act of 1954, 42 U.S.C. §2201(c); administer oaths and affirmations; publish necessary documents in the Federal Register as appropriate; and take final agency actions with respect to all issues of fact and law in proceedings before it.

2. LIMITATION.

- a. In exercising the authority delegated by this order, or as redelegated pursuant thereto, the delegatee shall be governed by the rules and regulations of the Under Secretary for Nuclear Security and the policies and procedures prescribed by the Under Secretary for Nuclear Security and his delegates.
- b. Nothing in this order shall preclude the Under Secretary for Nuclear Security from exercising any of the authority so delegated, subject to applicable statutes and regulations, whenever in his judgment his exercise of such authority is necessary or appropriate to administer the functions vested in him.

3. AUTHORITY TO REDELEGATE. The authority hereby delegated to the Chair, Board of Contract Appeals may be delegated further, in whole or in part, as the Chair, Board of Contract Appeals, may determine to be appropriate.

4. APPEALS PURSUANT TO THE CONTRACT DISPUTES ACT. The Energy Board of Contract Appeals is the agency board of contract appeals for NNSA. All actions of the Board pursuant to the Contract Disputes Act, taken prior to and in effect on the date of this order, continue unaffected by this order and shall remain in full force and effect unless or until rescinded, amended, or superseded by actions of the Board or a Court with jurisdiction over the matter.

5. DURATION AND EFFECTIVE DATE.

- a. All actions pursuant to any authority delegated prior to this order or pursuant to any authority delegated by this order taken prior to and in effect on the date of this order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this order, unless or until rescinded, amended, or superseded.
- b. This order is effective March 1, 2000.

6. RESCISSIONS. None.

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/s/  
Bill Richardson  
Acting Under Secretary for Nuclear Security